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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,044

Applicant(s)

NARAYANASWAMI,
CHANDRASEKHAR

Examiner

Erika A. Gary

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-18, 22-28 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 7-9, 19-21 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 10, line 8, the serial number is missing.

Appropriate correction is required.

Claim Objections

2. Claims 27 and 30 are objected to because of the following informalities: the claims lack antecedent basis for "said presenting step" and should therefore depend from claim 25. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 10, 11, 13-18, and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sennett, US Patent Number 6,400,940 (hereinafter Sennett).

Regarding claim 1, Sennett discloses a system for communicating data to a wearable appliance including a wireless data receiver device for receiving wireless data communications, said system comprising: a first communications sub-system enabling a user to initiate a request for data to be communicated to said wearable appliance; a second communications sub-system including a wireless data transmission channel for communicating data to said wearable appliance; and, a server control device for receiving said data requests via said first communications sub-system and, in response to said request, retrieving said requested data for said user and assembling said retrieved data in a form suitable for communication via said second communications sub-system, whereby a user demands said data transfer from said first communications sub-system and receives a data transmission via said second communications sub-system without requiring further user participation during said transmission [col. 2: lines 34-48].

Regarding claim 2, Sennett discloses said request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto [col. 3: lines 4-8].

Regarding claim 3, Sennett discloses said server device includes mechanism for generating a personalized menu comprising user selections of types of data to be transmitted based on said user identification code [col. 4: lines 3-8].

Regarding claim 4, Sennett discloses said first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 4: lines 8-11].

Regarding claim 5, Sennett discloses said server control device includes mechanism responsive to said user identification code for retrieving said personalized menu of types of data to be transmitted and generates a voice transmission for presenting said personalized menu selections to said user via said telephone system [col. 4: lines 12-15].

Regarding claim 6, Sennett discloses said user selects a type of data to be transmitted via said telephone keypad, said server control device includes mechanism for receiving DTMF signals and interpreting said DTMF signals for association with said user menu selection [col. 4: lines 8-11].

Regarding claim 10, it is inherent in the art for the second communications sub-system to comprise a paging network.

Regarding claim 11, it is inherent in the art for the second communications sub-system to comprises a BlueTooth wireless communications network.

Regarding claim 13, Sennett discloses a method for communicating data to a wearable appliance implementing a wireless data receiver device for receiving wireless data communications, said method comprising the steps of: a) receiving a data request via a first communications sub-system; b) retrieving said requested data for said user in response to said request; c) assembling said retrieved data in a form suitable for

communication via a second communications sub-system; and, d) communicating said requested data to said wearable appliance over a wireless data transmission channel via a second communications sub-system, wherein said user requests said data transfer from said first communications sub-system and receives a data transmission via said second communications sub-system without requiring further user participation during said transmission [col. 2: lines 34-48].

Regarding claim 14, Sennett discloses said data request includes a user identification code for uniquely identifying the user's wearable appliance [col. 3: lines 4-8].

Regarding claim 15, Sennett discloses prior to said retrieving step b), the step of presenting a personalized menu to said user, said menu comprising user selections associated with types of data to be transmitted based on said user identification code [col. 4: line2 3-8].

Regarding claim 16, Sennett discloses said first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 4: lines 8-11].

Regarding claim 17, Sennett discloses said presenting step further includes the steps of: retrieving said personalized menu of types of data to be transmitted from a storage device; and generating a voice transmission for presenting said personalized menu selections to said user via said telephone system in response to said user identification code [col. 4: lines 12-15].

Regarding claim 18, Sennett discloses said retrieving step b) further includes the steps of receiving DTMF signals associated with said user menu selection and interpreting said received DTMF signals for retrieving said requested data [col. 4: lines 8-11].

Regarding claim 23, Sennett discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for communicating data to a wearable appliance implementing a wireless data receiver device for receiving wireless data communications, said method steps including the steps of: a) receiving a data request via a first communications sub-system; b) retrieving said requested data for said user in response to said request; c) assembling said retrieved data in a form suitable for communication via a second communications sub-system; and, d) communicating said requested data to said wearable appliance over a wireless data transmission channel via a second communications sub-system, wherein said user requests said data transfer from said first communications sub-system and receives a data transmission via said second communications sub-system without requiring further user participation during said transmission [col. 2: lines 34-48].

Regarding claim 24, Sennett discloses said data request includes a user identification code for uniquely identifying the user's wearable appliance [col. 3: lines 4-8].

Regarding claim 25, Sennett discloses prior to said retrieving step b), the step of presenting a personalized menu to said user, said menu comprising user selections

associated with types of data to be transmitted based on said user identification code [col. 4: lines 3-8].

Regarding claim 26, Sennett discloses said first communications sub-system comprises a telephone system including a telephone keypad, said user identification code comprising a sequence of one or more dual-tone multi-frequency DTMF signals entered by said user via said telephone keypad [col. 4: lines 8-11].

Regarding claim 27, Sennett discloses said presenting step further includes the steps of: retrieving said personalized menu of types of data to be transmitted from a storage device; and generating a voice transmission for presenting said personalized menu selections to said user via said telephone system in response to said user identification code [col. 4: lines 12-15].

Regarding claim 28, Sennett discloses said retrieving step b) further includes the steps of receiving DTMF signals associated with said user menu selection and interpreting said received DTMF signals for retrieving said requested data [col. 4: lines 8-11].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett.

Claim 12 depends upon claim 1; claim 22 depends upon claim 13; and claim 32 depends upon claim 23. As discussed above Sennett discloses the limitations of claims 1, 13, and 23. What Sennett does not specifically disclose are the additional limitations of claims 12, 22, and 32. However, the Examiner takes Official Notice that it is well known in the art for receivers to include alarm mechanisms to allow for reception of data at a requested time. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Sennett to include this feature to allow the user to specifically receive certain data at a time convenient and useful to the user.

Allowable Subject Matter

7. Claims 7-9, 19-21, 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Duckworth, US Patent Number 6,091,530, discloses a low power infrared communication system to provide data transfer to and/or from an electronic watch.

Enzmann et al., US Patent Number 6,320,946, disclose an information payphone.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 703-308-0123. The examiner can normally be reached on Monday-Thursday: 7:30-5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750 or to the 2600 Customer Service Office at 703-306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive Arlington, VA., Sixth Floor (Receptionist).

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EAG
February 12, 2003


ERIKA GARY
PATENT EXAMINER